

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION

CHRISTEN EVERETT,  Plaintiff,  vs.  HAWKEYE COMMUNITY COLLEGE,  Defendant.	CASE NO. _____  <b>NOTICE OF REMOVAL</b>
--	--

Defendant Hawkeye Community College (“Hawkeye”) hereby removes this action to the United States District Court for the Northern District of Iowa, Eastern Division. In support of its removal, Defendant states:

1. On October 13, 2021, Plaintiff filed a Petition at Law and Jury Demand against Defendant in the Iowa District Court for Black Hawk County (“Iowa District Court”), captioned *Christen Everett v. Hawkeye Community College*, Case No. LACV143839. A copy of the Petition at Law and Jury Demand is attached as Exhibit A, and by reference is incorporated herein.
2. On that same date, Plaintiff filed an Original Notice, a copy of which is attached as Exhibit B, and by reference is incorporated herein.
3. Also on that same date, Plaintiff filed a Jury Demand, which is in substance identical to the Petition at Law and Jury Demand referenced in Exhibit A. A copy of the Jury Demand is attached as Exhibit C, and by reference is incorporated herein.
4. On October 19, 2021, Plaintiff filed an Acceptance of Service by Frances Haas on behalf of Hawkeye. A copy of the Acceptance of Service is attached as Exhibit D, and by

reference is incorporated herein.

5. On November 4, 2021, attorney Ethan S. Olson of the law firm Nyemaster Goode, P.C. entered an appearance on behalf of Hawkeye, a copy of which is attached as Exhibit F, and by reference is incorporated herein.

6. The Petition at Law and Jury Demand alleges claims of disability discrimination in violation of the Americans With Disabilities Act (“ADA”), 42 U.S.C. § 12101 *et seq.*, and state law claims for disability discrimination in violation of the Iowa Civil Rights Act (“ICRA”), Iowa Code Ch. 216, a common law claim for wrongful termination in violation of public policy, and claims of unequal pay.

7. Paragraph 21 of the Petition at Law and Jury Demand claims that Hawkeye “violated the requirements of the Americans with Disabilities Act (ADA) by failing to consider pertinent medical information and issuing a decision based on subjective beliefs and not on medical fact.” Exhibit A ¶ 21.

8. The Court has original jurisdiction over the ADA claims pursuant to federal question jurisdiction, 28 U.S.C. § 1331, and supplemental jurisdiction over the remaining state law claims, 28 U.S.C. § 1367, and the action may be removed to this Court pursuant to 28 U.S.C. § 1441.

9. This Notice of Removal will be filed with the Iowa District Court for Black Hawk County.

THEREFORE, Defendant Hawkeye Community College gives notice that the above entitled action is removed to this Court from the Iowa District Court for Black Hawk County.

/s/ Ethan S. Olson  
Ethan S. Olson

Frances M. Haas  
NYEMASTER GOODE, P.C.  
625 First Street SE, Suite 400  
Cedar Rapids, Iowa 52401  
Telephone: (319) 286-7000  
Facsimile: (319) 286-7050  
Email: [colson@nyemaster.com](mailto:colson@nyemaster.com)  
[fmhaas@nyemaster.com](mailto:fmhaas@nyemaster.com)

**ATTORNEYS FOR DEFENDANT  
HAWKEYE COMMUNITY COLLEGE**

### **CERTIFICATE OF SERVICE**

I hereby certify that on November 5, 2021, I presented the foregoing to the Clerk of the Court for filing and uploading into the ECF system, which will send notification to the following ECF system participants.

Benjamin Robertson  
Community Law Office  
84 16th Avenue SW  
Cedar Rapids, IA 52404  
Telephone: (319) 200-7050  
Facsimile: (319) 575-6105  
Email: [ben@communitylawoffice.com](mailto:ben@communitylawoffice.com)

**ATTORNEY FOR PLAINTIFF**

/s/ Shannon Greenman